

**Notice of Allowability**

Application No.

10/791,525

Examiner

Michael J. Feely

Applicant(s)

ROOSHENAS, REZVAN

Art Unit

1712

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 9/14/06.
2. ☒ The allowed claim(s) is/are 1,8,9 and 19-26.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

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| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 5. <input type="checkbox"/> Notice of Informal Patent Application  |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date <u>20061113</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment  |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance                                    |
|  | 9. <input type="checkbox"/> Other _____.   |

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with John Tomaszewski (Reg. No. 26,241) on October 30, 2006.

The application has been amended as follows:

*In the Specification:*

- Page 3, line 25: replace "poly(m-phenylene terephthalamide)" with --poly(m-phenylene isophthalamide)--.
- Page 9, line 19: replace "poly(m-phenylene terephthalamide)" with --poly(m-phenylene isophthalamide)--.

*In the Claims:*

1. (Currently Amended) A waterproofing membrane composition which is strong, workable and easy to apply, flexible, passes ASTM D4068, and cures quickly allowing for flood testing after 24 hours at 70°F, comprising: a flexible epoxy resin; a flexible curing agent; an acrylate functional urethane resin epoxy flexibilizer; sand or other inert filler; and an effective amount of a poly(p-phenylene terephthalamide) polymer fiber and/or poly(m-phenylene isophthalamide) polymer fiber.

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20. (Currently Amended) The composition of claim 1, wherein the polymer fiber is poly(p-phenylene terephthalamide).

22. (Currently Amended) A method of applying a waterproofing composition to a substrate comprising: providing a substrate to be waterproofed; applying a waterproofing membrane composition to the substrate surface; and curing the composition; wherein the waterproofing membrane composition comprises: a flexible epoxy resin; a flexible curing agent; an acrylate functional urethane resin epoxy flexibilizer; sand or other inert filler; and an effective amount of a poly(p-phenylene terephthalamide) polymer fiber and/or poly(m-phenylene isophthalamide) polymer fiber.

25. (Currently Amended) The method of claim 22, wherein the polymer fiber of the composition is poly(m-phenylene isophthalamide).

***Comment Regarding the Amendment***

2. Applicant incorrectly identified Nomex fibers as “poly(m-phenylene terephthalamide)”. The correct chemical name is poly(m-phenylene isophthalamide) – *see the Encyclopedia Britannica Article*.

***Allowable Subject Matter***

3. Claims 1, 8, 9, and 19-26 are allowed.

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***Communication***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Feely whose telephone number is 571-272-1086. The examiner can normally be reached on M-F 8:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy Gulakowski can be reached on 571-272-1302. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Michael J. Feely  
Primary Examiner  
Art Unit 1712

November 13, 2006

**MICHAEL FEELY  
PRIMARY EXAMINER**